

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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AIA CORPORATION,

Plaintiff,

v.

Case No. 21-C-641

SOMETHING INKED LLC, et al.,

Defendants.

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**ORDER**

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A petition seeking to confirm an arbitration award pursuant 9 U.S.C. § 9 in the above matter was filed on May 21, 2021. The Court has jurisdiction under to 18 U.S.C. § 1332. On June 17, 2021, Defendants filed a motion to stay the briefing on Plaintiff's application to allow Defendants an opportunity to exercise their rights to file a motion to vacate the award pursuant to the statutory timeline provided by the Federal Arbitration Act. 9 U.S.C. § 12. The motion is denied.

Section 12 provides that a motion to vacate, modify or correct an arbitration award must be filed within three months after the award is filed or delivered. It does not prevent a party from seeking confirmation of the award earlier, however. Section 9 allows a party to apply to confirm an award at any time within a year after it is made. The question of whether the proceeding should be stayed is discretionary. *Kanuth v. Prescott, Ball & Turben, Inc.*, No. 88-1416, 1990 WL 91579, \* 2 (D. D.C. June 19, 1990). Given the limited standard of judicial review of arbitration awards, grounds upon which to vacate or modify such an award should be obvious.

The delay in deciding Defendant's motion to stay has already granted them more than sufficient time to formulate their challenge to the arbitrator's award. The motion for a stay is,

therefore, denied. Defendants have until August 9, 2021, to file their motion to vacate, correct or modify the award. In the event Defendants so move, the briefing schedule in Civil L. R. 7 shall apply unless otherwise ordered.

**SO ORDERED** at Green Bay, Wisconsin this 27th day of July, 2021.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge